bell, that the latter was bitterly assailed on account of it. Apropos of the view we are now maintaining, we quote what the *Economist* had to say of Mr. Blackburn's appointment in 1859: "It is true that if you can find a man who, to profound legal knowledge and that sort of capacity which can take a clear view of intricate legal questions, adds the sort of experience which can only be obtained by the habit of leading at the Bar, he will make a better Judge than one who has always practised in a stuff gown—at any rate a better nisi prius Judge. But the combination is most rare, and if we must choose between the two, we should all of us like to have our causes decided by a lawyer rather than an advocate, however eloquent." In conclusion we desire to say that the "viginiti annorum lucubrationes," which old Sir John Fortescue prescribed in the fifteenth century as the best means for acquiring the judicial quality, are as necessary to-day as then; and that scholarship, scientific knowledge, "book-larnin'," or whatever the professional Philistines may please to term it, is not now and never will be a disqualification for the Bench.

CHARLES MORSE.

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH DECISIONS.

PROBATE—DELAY IN PROVING WILL—WILFUL DEFAULT—ACCEPTANCE OF OFFICE—EXECUTOR ACTING, AND AFTERWARDS RENOUNCING PROBATE, LIABILITY OF—LOSS OF INTEREST.

In re Stevens, Cooke v. *Stevens*, (1897) 1 Ch. 422, was an administration action; the defendants Stevens and Emmerson were both named as executors, but Stevens alone had obtained probate, and Emmerson had after the commencement of the action renounced probate and disclaimed the trusts of the will. Probate was not obtained by Stevens for seven years after the death of the testator. There was due to the estate £676 on a policy of life insurance, which the insurers refused to pay until probate was obtained, when they paid the amount with